

Docket No. 204212US0X
 IN RE APPLICATION OF: Bettina MOECKEL, et al.
 SERIAL NO: 09/887,052
 FILED: June 25, 2001
 FOR: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE rpoB GENE



ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

SIR:
 Transmitted herewith is an Amendment and Request for Reconsideration w/Marked-Up Copy in the above-identified application.

- No additional fee is required
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- Additional documents filed herewith: Information Disclosure Statatement w/PTO Form 1449; Cited References (1)

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	91	MINUS	87	4	x \$18 =	\$72.00
INDEPENDENT	13	MINUS	12	1	x \$84 =	\$84.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS					+ \$280 =	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$156.00
<input type="checkbox"/> Reduction by 50% for filing by Small Entity						\$0.00
<input type="checkbox"/> Recordation of Assignment					+ \$40 =	\$0.00
TOTAL						\$156.00

- A check in the amount of \$336.00 is attached.
- Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
 MAIER & NEUSTADT, P.C.


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 Registration No. 24,618

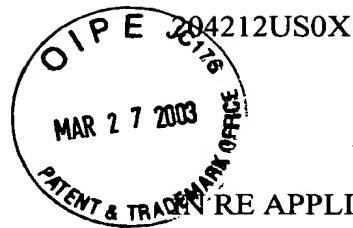


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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF

BETTINA MOECKEL ET AL

: EXAMINER: HUTSON, R. G.

SERIAL NO: 09/887,052

:

FILED: JUNE 25, 2001

: GROUP ART UNIT: 1652

FOR: NUCLEOTIDE SEQUENCES
WHICH CODE FOR THE rpoB
GENE

:

11/a
M.G.J
4/3/03

AMENDMENT AND REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated December 27, 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following amendment and remarks. Further, in accordance with the Examiner's suggestion, Applicants submit herewith a copy of a reference that is cited on the enclosed Information Disclosure Statement demonstrating the "activity of the β -subunit of RNA polymerase B".

IN THE CLAIMS

~~Please cancel Claims 5, 37, and 39.~~

Please amend the claims as follows.

a
--2. (Amended) The isolated polynucleotide of Claim 1, wherein said protein has an activity of the β -subunit of RNA polymerase B.

04/01/2003 WABRHAM1 00000020 09887052

01 FC:1202
02 FC:1201

72.00 OP
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